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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,709	02/26/2002	Akira Ogino	SONYJP-183	5278

7590 04/19/2006

Lerner Daivd Littenberg Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
VENT, JAMIE J	
ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/069,709	OGINO, AKIRA	
	Examiner	Art Unit	
	Jamie Vent	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) ~~1 and 3-18~~ 1, 3-10, and 12-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) ~~1 and 3-18~~ 1, 3-10, and 12-18 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 9, 2006 has been entered.

Response to Arguments

Applicant's arguments filed January 9, 2006 have been fully considered but they are not persuasive.

On pages 7-9 applicant argues that Ellis in view of Okuyama fails to teach, disclose or fairly suggest the following limitation: "means for multiplexing the first and second insertion signals to generate alternating signals of the first and second insertion signals along a time direction of the main information signals" as recited in Claim 1. Okuyama discloses an apparatus for superimposing information on a main signal by multiplexing the first and second insertion signals on the main information signal as seen in Figures 4-7 and described in Column 1 Lines 60+ through Column 2 Lines 1-30. Furthermore, it is noted to insert a signal into the stream would thereby alternate the singal and thereby meeting the limitation. Although, all of applicants points are understood the examiner can not agree.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ellis et al (US 6,470,497) in view of Okuyama (US 6,289,169).

[claims 1 & 10]

In regard to Claims 1 and 10, Ellis et al, discloses an additional information inserting apparatus and method for superimposing additional information on main information signals, comprising:

- Generating first and second insertion signals from the additional information such that the first insertion signals are generated for the first intervals of the main information signals and the second insertion signals are generated for second intervals of the main information signals, and wherein the first and second intervals exists alternately along a time direction of the main information signals (Figure 5a shows the first and second insertion signals in the form of a graphic overlay wherein additional information regarding the received program signal is displayed wherein the second interval exists alternatively along a time direction as described in Column 10 Lines 20-52); however fails to clearly discloses a means for multiplexing the first and second insertion signals on the main information signal.

Okuyama discloses an apparatus for superimposing information on a main signal by multiplexing the first and second insertion signals on the main information signal as seen in Figures 4-7 and described in Column 1 Lines 60+ through Column 2 Lines 1-30. The superimposing information on the main signal

and multiplexing the signal on the first and second insertion signal allows for better quality of viewing and recording. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the inserting apparatus, as disclosed by Ellis et al, and incorporate a system wherein the signals are multiplexed, as disclosed by Okkuyama.

[claims 3 & 12]

In regard to Claims 3 and 12, Ellis et al, discloses the additional information inserting apparatus and method wherein superimposing means superimposes the first and second insertion signals on the main information signals at predetermined intervals (Column 9 Lines 45-65 describes the intervals wherein the first and second insertion signals are superimposed onto the main information signal).

[claims 4 & 13]

In regard to Claims 4 and 13, Ellis et al, discloses the additional information inserting apparatus and method wherein the superimposing means superimposes the first and second insertion signals on the main information signals at intervals of a predetermined number of frames or fields (Column 9 Lines 45-65 describes the intervals of time wherein the first and second insertion signals are superimposed onto the main signal. By superimposing the signal at a predetermined time would allow the insertion to occur during a predetermined number of frames associated with the predetermined set time).

[claims 5 & 14]

In regard to Claims 5 and 14, Ellis et al discloses the inserting apparatus and method wherein the superimposing means superimposes the first insertion signals and the second insertion signals to a plurality of regions of the main information signals, which regions are obtained by dividing signal units constituting the main information signals (Figures 5a-5c shows regions wherein first and second insertion signals are inserted onto the main information signal. Furthermore, it is described in Column 9 Lines 7-15 the regions of superimposing the insertion signal onto the main information signal).

[claims 6 & 15]

In regard to Claims 6 and 15, Ellis et al discloses the additional information inserting apparatus and method wherein the main information signals are image signals having frames or fields, and signal units of the main information signals are the frames or fields of the image signals (Figure 12b shows that the main information signals have frames or fields of an image signal as further disclosed in Column 9 Lines 10-21 wherein the main information signal is described as a NTSC format program signal and thereby meeting the limitation of image signal).

[claims 7 & 16]

In regard to Claims 7 and 16, Ellis et al discloses an inserting apparatus and method wherein the insertion signal generating means generates the first insertion signals and the second insertion signals from identical additional information (Column 9 Lines 23-33 describes the insertions signals are obtained by the programming information that is supplied from the RGB generator by the micro controller and thereby making the signal source identical).

[claims 8 & 17]

In regard to Claims 8 and 17, Ellis et al discloses an inserting apparatus and method wherein inserting signal generating means generates the first insertion signals and the second insertion signals by the use of key information, and generates different insertion signals by the use of key information, and generates different insertion signals from the additional information by varying the key information to be used (Column 10 Lines 16-52 describes the "FLIP" between various insertion signals by the use of information obtained from the user thereby varying key information to be used).

[claims 9 & 18]

In regard to Claims 9 and 18, Ellis et al discloses inserting apparatus and method wherein the insertion signal generating means generates different insertion signals from the additional information, as disclosed in Column 9 Lines 5+, however, fails to disclose the generation of additional information through varying the encoding method. Sugita et al discloses an information output device and as seen in Figure 8 element

22 shows the coding unit, which uses varying encoding methods as further described in Column 11 Lines 7-12. The use of varying encoding methods allows for the signal to be more difficult to copy thus allowing a more credible method of copy control. Therefore, it would have been obvious to one of ordinary skill in the art to use the inserting apparatus, as disclosed by Ellis et al, and incorporate an encoding technique for the additional information, as disclosed by Sugita et al, to allow for copy protection of the information signal.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moriwaki et al (US 6,447,617).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ~~Andrew Faile~~ Thai Tran can be reached on ~~703-305-4380~~ (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TTT 4/13/06

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THAI TRAN
PRIMARY EXAMINER